1902; New Mexico, 1907; New York, 1897; North Carolina, 1899; North Dakota, 1899; Ohio, 1902; Oregon, 1899; Pennsylvania, 1901; Rhode Island, 1899; Tennessee, 1899; Utah, 1899; Virginia, 1898; Washington, 1899; West Virginia, 1907; Wisconsin, 1899; Wyoming, 1905.

No factor has contributed more to a comparatively speedy enactment of the Negotiable Instruments Law in the thirty-five states above named than the work of John J. Crawford, now appearing in the third edition.

The first edition appeared in July, 1897. At that time four of the above named states had enacted the statute, namely: New York, Connecticut, Colorado and Florida. The second edition appeared in February, 1902, at which time Massachusetts, Rhode Island, Pennsylvania, Maryland, North Carolina, Tennessee, Wisconsin, North Dakota, Utah, Oregon and Washington had enacted the law, and the same had been adopted by Congress as the law of the District of Columbia.

The third edition has recently made its appearance. In the four and a half years between the first and second edition, but few cases arose under the statute and those involved questions of the applicability of the statute rather than to the construction of it. But in the six years between the publication of the second edition and of the third edition upwards of two hundred cases were decided which involved questions of the application of the statute or of its construction. These cases are cited in the third edition and are made the basis of additional notes. These additional cases furnished the occasion for a new edition of the work which had already commended itself to lawyers, bankers and business men.

A useful feature of this new edition is a table showing corresponding sections of the statute as numbered in the different states in which the statute has been enacted. This table affords a ready means of reference.

To those who have used the first or second edition of this work nothing needs be said in commendation of it; to those who have not, it needs only be said that Mr. Crawford was an expert, perhaps a specialist in commercial law before he undertook, as above stated, the preparation of a bill designed ultimately to become the law of the land on the subject of negotiable instruments. How well he did the work is attested by the fact that the legislatures of thirty-five states have already approved it. R. E. B.

THE AMERICAN CONSTITUTION. The National Powers. The Rights of the States. The Liberties of the People. By Frederic Jesup Stimson, Professor of Comparative Legislation, Harvard University. New York: Charles Scribner's Sons, 1908, pp. ii, 259.

This book is made up of the "Lowell Institute Lectures," delivered by the author in Boston, in 1907. It is a strong and effective presentation, somewhat "popular" in form and expression, of the conservative or "strict construction" view of our federal constitution. As the lectures were intended for popular audiences, it would be unfair to criticise the work because of its popular form, or to complain because it is neither an original contribution to the subject of constitutional law, nor a scientific study of any phase of it.

The lectures, in form, scope and treatment, are admirably adapted to the purpose for which they were prepared, and they state so clearly and forcibly the great civil and political rights for which our ancestors have struggled for centuries, and to conserve which we must continue to struggle, that one could wish the book might be read by all citizens and prospective citizens. Unfortunately the book is marred by ill-advised and unconvincing attacks upon the policy and motives of President Roosevelt. One might well disapprove of the policy of our present executive and disagree with the theory of constitutional law, in accordance with which he is administering his office, without at all sympathizing with the animadversions of the author. There is great need of a temperate and scholarly presentation of the case against "centralization" and the increase of federal, at the expense of state powers; for most, even of those among us who believe that the tendency indicated is inevitable and necessary to the preservation of the very rights Mr. Stimson has so clearly depicted, would be glad to see the process take place under such searching, honest criticism as would tend to assure an intelligent, cautious advance. There is much of such argument in Mr. Stimson's book; all the more pity therefore that it should be marred and its effect diminished by his constant recurrence to Roosevelt's wrongful and dangerous acts, as he regards them. On the first page the author tells us that constitutional rights which were thought of great importance under the Stuarts, are now in danger. In the action of the President in the Brownsville affair, Mr. Stimson sees the dictation of an "executive bill of attainder," (p. 2). On page 20, the danger of the tendency towards centralized government, especially under popular rulers, is pointed out. A criticism which will doubtless appeal to many lawyers, of the "literal" type of mind, is that which points out the danger involved in the alleged discrimination by the Administration between "good trusts" and "bad trusts," for the purpose of determining the question of prosecution or non-prosecution under the Sherman Anti-Trust Act, (p. 114).

Professor Stimson sees in President Roosevelt's aid to Mr. Taft in his campaign for the presidential nomination, an approximation to the deplorable motives and tendencies of Oliver Cromwell, in the later days of his political power. This he points out with some sarcasm and innuendo at page 126. More reasonable criticisms of the President are those concerning his views of the distribution of the powers of government (pp. 140-141), and his attack upon Judge Humphrey for the famous "immunity" decision in the Beef Trust Case, (p. 154). Perhaps the basis of the author's apprehension of disaster, resulting from present tendencies, may be found in some confusion of thought as to the sanction and fundamental meaning of the widening scope of federal activity. Even sound lawyers differ about this, of course. Professor Stimson speaks often of the "surrender" of powers by the people to the "government," as if this were an almost involuntary ceding of powers from one body to a distinct, not to say hostile, other body. (See, e. g., p. 132 et seq.) Of course if this is the situation, the alarm cannot be sounded too soon or too strenuously. If on the other hand an act of Congress giving authority to a federal commisson or officer is a "surrender" of the power involved, in a technical, legal sense only, if the people and the government are not in reality

distinct, and if the act of Congress conferring such authority is merely an exercise of the power of the people through this particular organ, provided of course such grant of power and its exercise be in accordance with sound constitutional principle, then the situation is much less alarming.

Professor Stimson believes that the Supreme Court decisions to the effect that the Constitution does not extend to our "insular possessions" are not sound (pp. 86-90), but he admits that it would not be expedient to extend the rights to jury trial and to habeas corpus to the islands, (p. 194). On page 144, he speaks of "the fundamental error" of supposing "that all powers exercised in other countries, kingdoms or empires * * * have been necessarily under our Constitution, reposed in some branch of Government, State or Federal."

The author is also opposed to the prevailing views as to the extent of the powers which may be constitutionally granted to the Inter-State Commerce Commission (p. 162), and sharply criticises "government by commission" (p. 147). It is not surprising, therefore, to find that he denies the constitutionality of the Hepburn railway rate regulation act, (p. 214). The usurpation by the Senate of treaty-making power is justly and ably attacked, (p. 182). It is rather surprising in this day and generation to find a scholar assuming anything smacking of the doctrine of "natural rights." Probably the author uses the term in only a qualified sense on page 170.

Enough has been said to show that the book is extremely interesting and stimulating. Whatever may be one's opinion of the controverted matters above referred to, one must perceive that it is a very clear, lucid and well-proportioned presentation of the subject covered. Our own constitutional doctrine has been welded into its historical and legal setting in Anglo-Saxon constitutional law with unusual ability. H. M. B.